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**Federal Communications Commission**

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**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of

Rodgson, Inc.  
Licensee of Radio Station WSDQ (AM)  
Facility ID # 67280  
Dunlap, Tennessee

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File No. EB-09-AT-0038

NOV No. V201032480001

**NOTICE OF VIOLATION**

**Released: January 20, 2010**

By the District Director, Atlanta Office, South Central Region, Enforcement Bureau:

1. This is a Notice of Violation ("Notice") issued pursuant to Section 1.89 of the Commission's Rules<sup>1</sup> to Rodgson, Inc., licensee of WSDQ (AM) in Dunlap, Tennessee.
2. On August 19, 2009, agents of the Commission's Atlanta Office of the Enforcement Bureau inspected the main studio of station WSDQ (AM) located in Dunlap, Tennessee, and observed the following violation(s):
  - a. 47 C.F.R. § 11.15: "A copy of the Handbook must be located at normal duty positions or EAS equipment locations when an operator is required to be on duty." There was no EAS Handbook present at the station.
  - b. 47 C.F.R. § 73.51(a), (d), and (e)(2): "Except in those circumstances described in paragraph (d) of this section, the operating power shall be determined by the direct method...When it is not possible or appropriate to use the direct method of power determination due to technical reasons, the indirect method of determining operating power...may be used on a temporary basis. A notation must be made in the station log indicating the dates of commencement and termination of measurement using the indirect method of power determination...and [t]he value of F applicable to each mode of operation must be determined and a record kept thereof with a notation as to its derivation...and retained in the station records." The licensee was not determining the station's operating power by the direct method, and had been determining power indirectly for over a year. There was no recorded value of "F" (efficiency factor) available at the station and no logs indicating when the station

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<sup>1</sup>47 C.F.R. § 1.89.

commenced determination of operating power by the indirect method.

- c. 47 C.F.R. § 73.1226: “The following shall be made available to any authorized representative of the FCC upon request: Station records or logs.” There was no evidence of any station logs (no EAS or any operating logs) at the main studio.
  - d. 47 C.F.R. § 73.1870(a): “The licensee of each AM...broadcast station must designate a person to serve as the station’s chief operator.” There was no written designation of chief operator posted at the station.
  - e. 47 C.F.R. § 73.1745(a): “No broadcast station shall operate at times, or with modes or power, other than those specified and made a part of the license...” On the evening of August 18, 2009, the station did not reduce power at critical hours and remained on the air with daytime power levels during nighttime hours for over forty-five minutes.
  - f. 47 C.F.R. § 73.1560(a): “[T]he antenna input power of an AM station...must be maintained as near as practicable to the authorized antenna input power and may not be less than 90% nor more than 105% of the authorized power.” During daytime hours, the station was being operated between 55% and 65% of the authorized power.
3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,<sup>2</sup> and Section 1.89 of the Commission's Rules, Rodgson, Inc., must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response must fully explain each violation, must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and should include a time line for completion of pending corrective action(s). The response must be complete in itself and signed by a principal or officer of the licensee. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission  
Atlanta Office  
3575 Koger Blvd, Suite 320  
Duluth, GA 30096

4. This Notice shall be sent to Rodgson, Inc. at its’ address of record.
5. The Privacy Act of 1974<sup>3</sup> requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance. Any

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<sup>2</sup>47 U.S.C. § 308(b).

<sup>3</sup>P.L. 93-579, 5 U.S.C. § 552a(e)(3).

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false statement made knowingly and willfully in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.<sup>4</sup>

FEDERAL COMMUNICATIONS COMMISSION

Douglas G. Miller  
District Director  
Atlanta District Office  
South Central Region  
Enforcement Bureau

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<sup>4</sup>18 U.S.C. § 1001 *et seq.*